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HIGH COURT OF CHHATTISGARH AT BILASPUR

M.C.C. No. 165 of 2007

Petitioner — Smt. Sushila Puraina W/o Shri G.P. Puraina, Aged about 43 years Asst. Teacher (Hostel Superintendent) Government pre- Metric Girls Schedule Caste Hostel, Kalibadi, Raipur (C.G.)

Versus

Respondents

1. State of Chhattisgarh, Through: the Secretary General Administration Department, D.K.S. Bhawan, Raipur (C.G.)
2. Collector Aadivasi Vikas Raipur (C.G.)
3. Commissioner Schedule Caste & Tribal Department Raipur (C.G.)
4. Smt. Janki Chowdhari, W/o not known Asst. Teacher Girls Primary School, Chhura, Raipur (C.G.)
5. State of M.P. Through: The Secretary General Administration Department Vallabh Bhavan Bhopal (M.P.)

Application for clarification of the order dated 22.02.2007.

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Present: Mr. R.K. Kesharwani, Advocate for the petitioner.

ORDER

(Passed on 11th Day of May, 2007)

1. The petitioner had filed writ petition No. 2474 of 2004, impugning the transfer order dated 31.7.2004, whereby the petitioner was transferred from Govt. Pre-Matric Girls Schedule Caste Hostel, Kalibadi, Raipur, to Govt. Girls Primary School, Chhura, District Raipur. After hearing learned counsel appearing for the petitioner and learned counsel appearing for the respondents, this Court recorded submission of Mr. D.N. Prajapati, learned counsel then appearing for the petitioner through whom the petitioner was represented. This Court recorded that the matter has become infructuous with the passage of time as the petitioner was granted interim relief vide order dated 21.9.2004. However, the petitioner was granted liberty to raise the issue of payment of salary, if a cause of action arises. Thus, the petition was disposed of vide order dated 22.2.2007 (Annexure M-3) as having become infructuous.

2. Thereafter, Mr. R.K. Kesharwani, learned counsel filed an application being M.C.C. No. 107/2007 for correcting the typographical error, which was accordingly corrected vide order dated 21.3.2007 (Annexure M-4).

3. The petitioner, by this application requests for modification of the order dated 22.2.2007 to the extent that the respondents-authorities be directed that the petitioner be allowed to continue on the same place of posting i.e. Govt. Pre-Matric Girls Schedule Caste Hostel, Kalibadi, Raipur. The petitioner seeks amendment of the order dated 22.2.2007 whereby the petition was disposed of as having become infructuous to the extent that the respondents-authorities would not insist upon compliance of the impugned order dated 31.7.2004.

4. Learned counsel appearing for the petitioner had not pointed out on earlier occasion when the petitioner had filed an application for correction of typing mistakes which was ordered accordingly vide order dated 21.3.2007.

5. After receipt of the letter for compliance with the earlier order dated 31.7.2004, the petitioner has again approached this Court for amending of the order.

6. There is no error apparent on the face of it so asto call for amendment of the order. However, since the petitioner was granted interim relief to continue on the original place of posting for more than 30 months, the respondents-authorities should not have insisted upon compliance of the earlier order dated 31.7.2004. The respondents-authorities are competent to post the employee at any post in administrative exigency and in public interest.

7. This M.C.C. accordingly stands disposed of.

Sd/-
Satish K. Agnihotri
Judge